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A Measure of Privacy

Though the President and Supreme Court have often spoken out against invasions of personal privacy, the leading invader of privacy for some years has been the Federal Government itself. To make the Government set a better example, the Senate has now passed by 79 to 4 a measure meant to uphold constitutional rights of federal employees.

If the overwhelming Senate vote is not enough to suggest the need for such a bill, results of a long investigation by a Senate subcommittee should prove it. For example, the Senators found that one woman applying for a Foreign Service job was asked to "answer quickly and without any thinking or deliberation" whether these statements are true or false: I believe in a life hereafter. I read the Bible several times a week. My sex life is satisfactory. Evil spirits possess me at times.

An 18-year-old college girl told the Senators she had thought working for the State Department one summer might be fun, until a departmental interrogator began asking her personal questions about her relations with a boy friend. She lost interest in a federal job.

Such intimate questions about family relationships, sex, religion and personal habits (even dreams) were a familiar part of what officials termed "psychological testing," involving both questionnaires and use of polygraphs, the so-called lie detectors. The subcommittee found that 16 federal agencies had hired 633 polygraph examiners, though it also heard expert testimony that polygraph results were not reliable. The FBI does not use them.

Of course, federal officials defended psychological testing on various grounds: national security, determination of fitness of employees, even the need to provide medical or other aid for employees. The diverse defenses did not make much sense. Senator Sam Ervin of North Carolina, subcommittee chairman, said the tests were both "useless and offensive." "If the security of the United States rests on these devices," he added, "we are indeed pitifully insecure."

But the invasion of privacy of government employees does not stop there. The subcommittee also heard of coercion against them to buy bonds, to take part in some outside activities and to avoid others, and to conduct any public writing or speaking according to some official's preconceived rules.

To make matters worse, this infernal meddling in private lives was not restricted to so-called security agencies, but was spread throughout the bureaucracy. Nor was there any relation between security and the granting of such elementary protection as a right to counsel in hearings; the Defense Department allowed counsel but, until recently, the Civil Service Commission did not.

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As passed by the Senate, Senator Ervin's bill is aimed specifically at all these malpractices, exempting only the three major intelligence agencies: the CIA, NSA and FBI. The military is covered by its own rules.

For other federal departments, the bill prohibits bureaucratic demands that employees disclose their race, religion or national origin or take psychological or polygraph tests involving family, sex and religion. The measure bars demands that employees engage in outside activities or report those of a voluntary nature. It prohibits coercion as to charitable gifts and bonds and in political matters. It also requires the right to counsel in disciplinary hearings.

Senator Ervin deserves a great deal of credit for disclosing the Big Brotherly operations of government and proposing to put an end to them. As a practical matter, such invasions of a citizen's rights, innermost thoughts and beliefs can only discourage sound federal employment practices. But the principle involved is far more important.

The principle is the Constitutional one of protecting private thoughts from intrusion. When the Government itself assumes the privileges of kevhole aristocracy it should, as Senator Ervin said, "disturb every American who takes pride in his government." We hope the House will be as disturbed as the Senate proved to be.